GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - ACB case – Allegations of corruption against Sri D.Sankara Narayana, ACTO (Retd.) - Convicted in Trial court - Criminal appeal filed by the accused - acquitted by the Hon'ble High Court - dismissal of the SLP by Hon'ble Supreme Court on 18.11.2022- Criminal Proceedings dropped- duly regularizing the suspension period and dismissal period - Orders issued.

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REVENUE (COMMERCIAL TAX –II) DEPARTMENT

G.O.Rt.No.1100 Dt:29-12-2022

Read the following :

Ref:- 1. From the DG, ACB, Final Report in Rc.No.146/RCTTET /2000, dt.18. 05.2001.
2. G.O.Ms.No. 556 Rev(Vig.I) Department,Dt:10-08-2001
3. Judgement of the Special Judge for SPE and ACB cases, Nellore dt.04.04.2007 in C.C.No.28/2001.
4. G.O.Rt.No.1743, Rev(Vig.I) Department dt.09-08-2007
5. Orders dt: 23.09.2020 in Crl.A.M.P.No.764 of 2007 in Cr.Appeal No.482/2007 of the Hon'ble High Court
6. From the DG, ACB, Final Report in Rc.No.146/RCT-TET/2000, dt.08.04.2021 along with the copy of the orders, dt.3.09.2020 of the Hon'ble High court in Cr.Appeal No.482/2007 filed by Sri D.Sankara Narayana, ACTO (Retd.)
7. Judgement of the Hon'ble Supreme Court, Dt: 18.11.2022

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Whereas a criminal case was registered by the ACB against three (3) Accused Officers (AOs) viz., AO-1: Sri D. Sankara Narayana, ACTO (Retired) and AO-2: Sri S.Venkatappa, Attender O/o.ACTO & AO-3: one private person Sri Shiakk Firoz.

2. Whereas in the reference 2nd read above, sanction orders were issued to prosecute the said AOs. The ACB filed charge sheet in C.C.No.28/2001 in court of Special Judge for SPE and ACB cases, Nellore.

3. In the reference 3rd read above the trial court has passed orders convicted the AO-1 Sri D. Sankara Narayana, ACTO (Retired) and acquitted the AO-2 and AO-3.

4. In the reference 4th read above orders were issued for withholding of pension and gratuity in full permanently against AO-1 Sri D. Sankara Narayana, ACTO (Retired) as he was retired from service pending finalization of the criminal proceedings.

5. Sri D.Sankara Narayana, ACTO (now Retd.,)(AO-1) aggrieved by his conviction and sentence awarded in CC No.28 of 2001, filed Cr. Appeal

(p.t.o)

No.482/2007 in the Hon'ble High Court of Andhra Pradesh. Whereas the Hon'ble High Court in the 5th read above allowed the appeal and acquitted the A.O.

6. In the reference 6th read above the DG, ACB while enclosing the legal opinion of the Standing Council of the ACB in Criminal Appeal No.482 has stated that the Bureau is of the opinion that this is a fit case to file a Special Leave Petition(SLP) in the Supreme Court of India on the above Judgement. Hence requested the Government to accord permission to the Bureau to file SLP before the Hon'ble Supreme Court of India against the orders dt.23.09.2020 of the Hon'ble High Court.

7. In the reference 7th read above the Hon'ble Supreme Court has issued orders in SLP (Criminal) Diary No(s) 32727/2022, Dt:18-11-2022 that "We are not inclined to interfere with the impugned judgment and hence, the Special Leave Petition is dismissed

8. Whereas, Government after careful examination of the matter, it is decided to drop criminal proceedings initiated against the (AO-1) and hereby order to drop the criminal proceedings initiated against the Accused Ofcer Sri D.Sankara Narayana, ACTO (now Retd.,) Pakala, Chittoor District and regularize his suspension period from 3.11.2000 to dismissal and dismissal to date of retirement 30.6.2004 as NOT ON DUTY under FR 54-A(3).

9. The Chief Commissioner of State Tax, Andhra Pradesh, Vijayawada shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

N.GULZAR
SECRETARY TO GOVERNMENT

To
Sri D.Sankara Narayana, ACTO(now Retd.,) Pakala, Chittoor District
(Through the Chief Commissioner of State Tax, Andhra Pradesh, Vijayawada).
The Chief Commissioner of State Tax, Andhra Pradesh, Vijayawada.
The Joint Commissioner of State Tax, Guntur.
Copy to:
The Director General, Anti Corruption Bureau, Andhra Pradesh, P.N.Bus Station, NTR Administrative Block, 2nd Floor, Vijayawada.
The Finance (HR.IV-FR & LR) Department.
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER